HOUSE BILL No. 1057

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DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-21-8; IC 9-24-11-0.5.

Synopsis: Texting while operating motor vehicle. Provides that a person who uses a telecommunications device to transmit a text message or electronic mail message while operating a moving motor vehicle commits a Class D infraction. Provides that a person who uses a telecommunications device to transmit a text message or electronic mail message while operating a moving vehicle and causes an accident commits a Class B infraction. Repeals a definition of "telecommunications device" that is superseded by this act.

Effective: July 1, 2010.

Moses, Pond

January 5, 2010, read first time and referred to Committee on Public Policy.

Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~
  Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.
  Conflict reconciliation: Text in a statute in *this style type* or *~~this style type~~* reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

HOUSE BILL No. 1057

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A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1　　　SECTION 1. IC 9-13-2-177.3, AS ADDED BY P.L.101-2009,
2　SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3　JULY 1, 2010]: Sec. 177.3. "Telecommunications device", for purposes
4　of **IC 9-21-8 and** IC 9-24-11-3.3, ~~has the meaning set forth in~~
5　~~IC 9-24-11-0.5.~~ **means an electronic or digital telecommunications**
6　**device. The term includes a:**
7　　　　**(1) wireless telephone;**
8　　　　**(2) personal digital assistant;**
9　　　　**(3) pager; or**
10　　　　**(4) text messaging device.**
11　　　SECTION 2. IC 9-13-2-177.4 IS ADDED TO THE INDIANA
12　CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13　[EFFECTIVE JULY 1, 2010]: **Sec. 177.4. "Text message", for**
14　**purposes of IC 9-21-8, means a communication in the form of**
15　**electronic text sent from a telecommunications device.**
16　　　SECTION 3. IC 9-21-8-49, AS AMENDED BY P.L.40-2007,
17　SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1   JULY 1, 2010]: Sec. 49. Except as provided in sections 50, 51, 52, 54,
2   55, ~~and~~ 56, **and 58** of this chapter, a person who violates this chapter
3   commits a Class C infraction.
4   SECTION 4. IC 9-21-8-58 IS ADDED TO THE INDIANA CODE
5   AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
6   1, 2010]: **Sec. 58. (a) A person may not use a telecommunications**
7   **device to transmit a text message or electronic mail message while**
8   **operating a moving motor vehicle.**
9   **(b) A vehicle may be stopped to determine compliance with this**
10   **section. However, a vehicle, the contents of a vehicle, the driver of**
11   **a vehicle, or a passenger in a vehicle may not be inspected,**
12   **searched, or detained solely because of a violation of this section.**
13   **(c) A person who violates subsection (a) commits a Class D**
14   **infraction.**
15   **(d) A person who violates subsection (a) and causes a traffic**
16   **accident as the result of committing the act in violation of**
17   **subsection (a) commits a Class B infraction.**
18   **(e) The bureau may not assess points under the point system for**
19   **Class D infractions under this section.**
20   SECTION 5. IC 9-24-11-0.5 IS REPEALED [EFFECTIVE JULY
21   1, 2010].

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